

Legislative Audit Division

State of Montana



Report to the Legislature

June 1997

Performance Audit

Noxious Weed Program

This report contains recommendations for improvement of program operations. Recommendations address:

Department of Agriculture

- ▶ **Noxious Weed Management Plan Training.**
- ▶ **Noxious Weed Trust Fund Participation.**

Department of Transportation

- ▶ **Right-of-Way Weed Control Funding.**

County Weed Districts

- ▶ **Management Practices to Improve Capability and Compliance.**

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PERFORMANCE AUDITS

Performance audits conducted by the Legislative Audit Division are designed to assess state government operations. From the audit work, a determination is made as to whether agencies and programs are accomplishing their purposes, and whether they can do so with greater efficiency and economy. In performing the audit work, the audit staff uses audit standards set forth by the United States General Accounting Office.

Members of the performance audit staff hold degrees in disciplines appropriate to the audit process. Areas of expertise include business and public administration, statistics, economics, computer science, communications, and engineering.

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June 1997

The Legislative Audit Committee
of the Montana State Legislature:

We conducted a performance audit of noxious weed control activities of the Department of Agriculture (MDA), Department of Transportation (MDT), and county weed districts. While MDA and MDT are assigned management and administrative roles, county governments are statutorily responsible for the majority of noxious weed control activities. This report contains recommendations for improving noxious weed control capability and compliance. Written responses from both departments are included at the end of this report.

We appreciate the cooperation and assistance of department and county staff during this audit.

Respectfully submitted,

"Signature on File"

Scott A. Seacat
Legislative Auditor

Legislative Audit Division

Performance Audit

Noxious Weed Program

Department of Agriculture

Department of Transportation

County Weed Districts

Members of the audit staff involved in this audit were Tom Cooper and Mary Zednick.

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Appointed and Administrative Officials

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Introduction

The Legislative Audit Committee requested a performance audit of the noxious weed program in Montana. The noxious weed program involves county governments and state agencies. We developed four audit objectives:

- Provide information to the legislature on noxious weed management.
- Examine state and local noxious weed control resources to assess their effect on compliance with weed control statutory requirements.
- Examine procedures and verify controls for administration of the Noxious Weed Trust Fund (NWTF).
- Assess the process for funding weed district noxious weed control on state and federal highway right-of-way.

Noxious weeds are defined as exotic plant species established or introduced in the state which may render land unfit for agriculture, forestry, livestock, wildlife, or other beneficial uses or that may harm native plants. It is unlawful to permit any noxious weed to propagate or go to seed on private, local government, state, or federal land.

Law Places Responsibility with Counties

Statute requires counties to form weed management districts which include all land within the county boundary. Weed districts may consolidate and encompass more than one county. Statute requires county commissioners to appoint a district weed board to administer a noxious weed management program. District weed management is based on a board-approved weed management plan which specifies goals, infestations, procedures for addressing water quality, public safety, equipment and maintenance, and chemical selection, application and disposal. Weed management plans typically address public land, state/federal road right-of-way, and municipal areas which require weed control. Statute allows weed boards to hire a district weed supervisor to administer district noxious weed control programs.

Report Summary

Weed Boards Pursue Noncompliance

Statute requires weed boards ensure compliance with district noxious weed control management plan criteria. When a board determines a landowner is not in compliance, the board requests voluntary compliance. If unsuccessful, statute requires the board to issue a notice of noncompliance and identification of controls which lead to compliance. If corrective action is not taken, boards are authorized access to initiate controls.

District Weed Control Funding

Statute requires county commissioners to establish a noxious weed fund to pay for weed control activity. Statute also allows the commissioners to assess a levy up to two mills for noxious weed control. Additional mill levies require a vote. Other weed control revenue can include: fees for services on private property, equipment rental, chemical sales, and contracts for services for municipal and state/federal lands.

Capability and Compliance

According to legislative intent: "It is the policy of the state of Montana to properly control and manage noxious weeds in order to protect the agricultural economy and natural ecosystems of the state."

Many Factors Influence Capability and Compliance

The primary factors which influence weed control capability and compliance by weed boards are: weather, resources such as staff, equipment, facilities and services, and local commitment to statutory compliance. In addition, county autonomy, local economic factors, coordination between state/federal agencies and districts, and environmental concerns impact local program capability and compliance.

Compliance Varies

We found a wide range of compliance with statutory weed control requirements. Some districts control weeds on county and state/federal right-of-way exclusive of other weed control activities such as landowner noncompliance. Other districts control right-of-way, including identification of landowner noncompliance, and assist with determination of control techniques. However, some districts neither pursue landowner noncompliance nor emphasize control along county right-of-way. There are examples of weed control projects with excellent coordination between weed districts, landowners, and state/federal agencies. We noted joint weed district

management and observed cooperative projects comprised of several landowners with the weed district playing an integral role.

Infestations Continue to Move

Despite the dedicated efforts of many weed districts and landowners, when resource limitations combine with differences in local commitment to statutory requirements, infestations continue to move to/from private land, public land and/or right-of-way, and adjoining districts. These variations in capability and assurance of compliance continue to affect the agricultural economy and natural ecosystems. The Montana Department of Agriculture (MDA) indicates knapweed and leafy spurge cost Montana's range livestock industry \$4.5 and \$2.2 million, respectively, in annual forage loss.

Management Practices Vary

We compared weed district resources and capabilities, and developed the following list of alternative management practices. These alternatives influence revenue and resources such as staff, equipment and facilities. If weed districts evaluate, then implement any or all of the alternative management practices listed below, we believe noxious weed control capability and compliance could be improved:

- Make rental and/or loaner equipment available to the public.
- Arrange for access to chemicals.
- Identify access to services, either weed district or commercial.
- Develop contracts with municipalities and state or federal agencies.
- Formalize district procedures for compliance.
- Evaluate consolidation with other weed districts.

Management Plans are a Coordination Tool

Management plans should be the tool to help coordinate weed priorities, establish techniques for control, and communicate compliance requirements on local, state, and federal land as well as private property. Weed supervisors and department staff also believe up-to-date management plans are useful tools for an effective, coordinated weed management program. We found many management plans have not been updated since their initial development in 1986.

Report Summary

To help assure weed districts develop useful management plans, section 7-22-2130, MCA, requires MDA to prepare administrative rules specifying the level and type of training necessary to implement effective weed management programs. The department has not adopted administrative rules specifying training objectives to support implementation of effective weed management plans.

As part of the Noxious Weed Trust Fund (NWTF), described in the following section, MDA should also establish procedures to allow application for NWTF grants to support plan development.

We recommend the department :

- A. Establish long-term training goals to include weed supervisors, weed board members and county commissioners.
- B. Develop training objectives for administering weed management programs and improving management practices.
- C. Prepare administrative rules for the level and type of weed supervisor training.
- D. Establish procedures which allow weed district officials and project sponsors to apply for NWTF grants to help pay for training to develop management plans and improve management practices.

Noxious Weed Trust Fund (NWTF)

Statute establishes the NWTF to support noxious weed management projects. Cost-share commitment, area benefit, and community involvement are the primary NWTF grant criteria. Types of grants include cost-share cooperative for weed control projects, special county for equipment and facilities, education, and research. The NWTF is administered by MDA.

Interest from the fund may be expended for noxious weed control projects as long as NWTF principal remains at \$2.5 million. Statute establishes a \$1.50 fee assessed with annual vehicle registration which is used for NWTF grants.

**Conclusion: NWTF Process
Is Well-Documented and
Controls In Place**

We found MDA's application submission, review, and approval process well-documented and controlled. Similarly, documentation of project status and payment requests is reviewed and process controls are in place. Staff complete annual on-site evaluations of active cooperative cost-share projects.

**Conclusion: 25 Percent
Requirement Met**

According to statute, 25 percent of the vehicle assessment fee will be used to fund nonchemical methods of weed management. The department is complying with this statutory requirement.

Participation is a Concern

According to district weed supervisors, the paperwork associated with NWTF grant application submission, project monitoring, and expense tracking frequently conflicts with local work priorities due to limited resources. Weed supervisors and MDA staff indicate project development and coordination often requires a year-round effort which may be impacted by available weed district staff. The workload associated with grant application and project monitoring is difficult for weed districts with part-time weed supervisors and/or limited administrative staff. During the past three years 40 of Montana's counties have participated in cooperative cost-share projects. We recommend the department develop alternatives to increase participation by:

- A. Establishing procedures to facilitate cooperative cost-share grants, including assessments of non-participating counties to determine potential for weed control projects.
- B. Developing procedures for selected special county grants to reduce paperwork to a minimal requirement.
- C. Developing procedures to use NWTF funds to provide additional administrative support to potential sponsors of cooperative cost-share projects.

**State and Federal
Highway Right-of-Way**

Statute designates district weed boards responsible for weed control on state and federal highway right-of-way (ROW) if the state does not control weeds in these areas. Weed districts conduct the majority of Montana's state and federal ROW weed control. For fiscal year 1995-96, approximately \$1.7 million was available to districts for ROW weed control. By statute, the cost of weed

Report Summary

control for state and federal ROW is paid by the Montana Department of Transportation (MDT) upon receipt of a district's documented expenses.

Historical Expenditure Determines Funding

We found a variety of procedures and documentation used to project noxious weed work requirements and establish weed district funding levels. In some cases, district weed supervisors prepare an annual work proposal for MDT maintenance staff to review. Other districts update general agreements used in previous years and issue a memorandum which addresses funding. Historical expenditure is the primary factor used to establish annual weed district work and budget contract/agreements. Following weed control work, districts submit invoices to MDT maintenance district/area offices for reimbursement.

Procedures Do Not Increase Controls or Effectiveness

Existing MDT ROW funding distribution and expense review procedures do not increase fiscal controls or improve weed control effectiveness. MDT primarily relies on weed districts for fiscal constraint and weed control expertise.

Alternative: Provide Funds to Weed Districts at the Beginning of Fiscal Year

MDT should develop procedures to distribute appropriated funding directly to weed districts at the beginning of each fiscal year. Weed districts could develop and control budgets, pay bills as work progresses, and no longer present invoices to MDT.

We recommend the department:

- A. Seek legislation to reflect fiscal year distribution of state/federal ROW funding to weed districts and eliminate the requirement for weed districts to submit weed control expenditure documentation to the department for reimbursement.
- B. Develop procedures for distributing state/federal ROW weed control funding to weed districts at the beginning of each fiscal year to allow budget and program control at the county level.

Chapter I - Introduction

Introduction

The Legislative Audit Committee requested a performance audit of the noxious weed program in Montana. The noxious weed program involves county governments and several state agencies. We established audit objectives and scope following a preliminary review of county, Montana Department of Agriculture (MDA), and Montana Department of Transportation (MDT) responsibilities, operations, and activities.

Audit Objectives

We developed four objectives:

- Provide information to the legislature on noxious weed program management in Montana.
- Examine state and local noxious weed control resources to assess their effect on compliance with weed control statutory requirements.
- Examine procedures and verify controls for MDA's Noxious Weed Trust Fund (NWTF) grant application processing, staff review, and award.
- Assess MDT's process to fund weed district noxious weed control on state and federal highway right-of-way.

Audit Scope and Methodologies

The audit was conducted in accordance with government standards for performance audits. The scope of this audit included:

- Weed control and management activities conducted by county weed districts, MDA, and MDT.
- NWTF grant application, review, award, and monitoring process.
- The process used by MDT to fund weed districts for noxious weed control on state and federal highway right-of-way.

Although we provide background information, we did not audit activity associated with the Weed Seed Free Forage Act, because the program was implemented in calendar year 1996. Also with the exception of reviewing NWTF grant participation, we did not audit noxious weed control activities on Montana's seven Indian reservations.

Chapter I - Introduction

Methodologies

To determine regulatory requirements for noxious weed control in Montana, we reviewed the following statutes:

- Control of weeds along roads and highways, section 7-14-2132, MCA.
- County Weed Control, Title 7, chapter 22, part 21, MCA.
- Weed control fee, section 61-3-510, MCA.
- Weed Control, Title 80, chapter, 7, part 7, MCA.
- Noxious Weed Trust Fund, Title 80, chapter 7, part 8, MCA.

We also reviewed administrative rules related to noxious weed control activities.

To provide the legislature information on county noxious weed program activities in Montana, we reviewed files and interviewed weed supervisors in 13 weed districts across the state. We examined district weed supervisors' role regarding:

- County-funded weed control activities.
- Preparation and administration of cost-share, research, and special county NWTF grants/projects.
- Right-of-way infestation evaluation, sprayer/supervisor operations, and/or contract administration.

We also forwarded a memorandum to all district weed supervisors requesting comments on concerns or issues with the noxious weed program.

To assess compliance with regulatory requirements, we examined county weed management plans and interviewed weed supervisors to determine if plans were up-to-date and used by weed districts, state agencies, and the public. We reviewed availability of rental/loaner weed control equipment offered to the public. We examined the extent of weed control services provided by weed districts to landowners. We also discussed weed supervisor training availability, applicability, and frequency with MDA staff and weed district supervisors.

We examined MDA's NWTF grant administration to evaluate process efficiency and effectiveness as well as compliance with statutory requirements. We interviewed MDA staff and reviewed a

sample of special county, education, research, and cooperative cost-share grant applications, contracts, and requests for payment. We evaluated weed district participation in the program during our grant file review. We advised Noxious Weed Management Advisory Council members of the audit through a memorandum and requested comments on concerns or issues. We reviewed grant award documentation to verify a statutory minimum of 25 percent of vehicle registration funding was awarded for non-chemical weed control research.

To determine MDT's process effectiveness, we examined administrative activities used to fund counties for noxious weed control along state and federal ROW. We interviewed department officials in 8 of 11 maintenance district/areas. We discussed procedures and reviewed annual work proposals and budget documents for consistencies between MDT districts/areas and between counties within a MDT district. We examined procedures and reviewed expense documentation submitted by weed districts to MDT for reimbursement. We also considered the use of contracts with commercial applicators for weed control along state/federal highways.

While we did not evaluate the adequacy of cooperative agreements between weed districts and individual state/federal agencies, we considered the impact of such agreements on weed control activities by interviewing district weed supervisors.

Compliance

We examined compliance with statutes and administrative rules for noxious weed program activities. We found state agencies generally in compliance with regulatory requirements. We address concerns about county compliance in Chapter III. We also discuss the need for MDA-developed administrative rules for weed supervisor training in Chapter III.

Chapter I - Introduction

Report Organization

In Chapter II, we provide background information for county, MDA, and MDT noxious weed control programs. Chapter III discusses county activities and identifies alternatives to improve weed control consistency across the state. Chapter IV presents concerns and recommendations for administration of the NWTF. In Chapter V, we discuss the process used by MDT to distribute noxious weed control funding to counties and recommend an alternative approach.

Chapter II - Background

Introduction

Noxious weeds are defined as exotic plant species established or introduced in the state which may render land unfit for agriculture, forestry, livestock, wildlife, or other beneficial uses or that may harm native plants. According to section 7-22-2116, MCA, it is unlawful to permit any noxious weed to propagate or go to seed on private, local government, state, or federal land.

Administrative rules designate three categories of noxious weeds:

Category I -- Currently established and generally widespread: Canada Thistle, Field Bindweed, Whitetop, Leafy Spurge, Russian Knapweed, Spotted Knapweed, Diffuse Knapweed, Dalmatian Toadflax, St. Johnswort, Sulfur Cinquefoil.

Category II -- Recently introduced: Dyers Woad and Purple Loosestrife.

Category III -- Not yet detected or in small localized infestations: Yellow Starthistle, Common Crupina, and Rush Skeletonweed.

Weeds such as dandelions or cheat grass are nuisance weeds, but not classified as noxious weeds.

Weed Management and Control Techniques

Noxious weed management or control means the planning and implementing of a coordinated program for containment, suppression, and where possible, eradication of noxious weeds. Management techniques used to contain, suppress or eradicate noxious weeds include:

- Use of herbicides for spraying.
- Cultural techniques such as hand removal, burning or cultivation.
- Biological controls such as insects, grazing or pathogens.

Management technique selection depends on:

- Weed species targeted.
- Extent of infestation (acreage and terrain).
- Environmental factors (water, threatened species, etc.).
- Economics (costs).

Chapter II - Background

An integrated weed control approach is frequently used since infestations often cover a variety of land areas (river banks, foothills, and mountains) and a combination of techniques may be most effective. In some cases, restrictions such as proximity to a water source determine the control techniques used. Education and prevention programs are also considered control techniques.

Primary Weed Control Responsibility with Counties

While the Montana Department of Agriculture (MDA) and the Montana Department of Transportation (MDT) are assigned management and administrative roles in the noxious weed program in Montana, by statute county governments are responsible for the majority of weed control activities.

Counties Establish Weed Districts

Title 7, chapter 22, part 21, MCA, County Weed Control, outlines procedures for counties to manage or control weeds. Statute requires every county to form weed management districts to include all land within the county boundary. Weed districts may consolidate and encompass more than one county. However, all Montana counties established individual weed districts based on county boundaries. Although statute does not address Indian reservations, MDA policy allows for Indian reservations to establish weed districts similar to county operations.

Statute requires county commissioners to appoint a district weed board. Board responsibilities include:

- Administering a district noxious weed program.
- Establishing weed control management criteria for all land within the district.
- Making a reasonable effort to develop and implement a noxious weed program covering land within the district owned or administered by a federal agency.

Districts Prepare Weed Management Plans

According to statute, district weed management must be based on a board-approved plan. The plan must specify goals, infestations, management procedures addressing water quality, public safety, equipment and maintenance, and chemical selection, application and disposal. Most weed management plans identify weed infestations of concern for the county, provide criteria to determine weed control

Chapter II - Background

priorities, and identify alternative control techniques. Weed management plans typically address public land, state/federal road right-of-way, and municipal areas which require weed control. In addition to compliance criteria for landowner property, plans frequently describe noncompliance and enforcement alternatives and responsibilities.

District-Landowner Agreements

In most cases, when weed district staff assist landowners with weed control activities such as chemical spraying, an agreement or contract between the weed district and landowner is developed. The agreement specifies services provided by the district and the landowner, and identifies reimbursement for district expenses.

County commissioners, based upon weed board recommendations, may establish cost-share agreements with landowners participating in weed control activities. Similar cost-share agreements between weed districts and federal officials are also prepared for weed control on federal lands managed by the Bureau of Land Management, Bureau of Indian Affairs, Bureau of Reclamation, National Park Service, U.S. Fish and Wildlife Service, and U.S. Forest Service. These agencies coordinate requirements and funding directly with local weed districts to manage and control noxious weeds.

Weed Boards to Pursue Noncompliance

When a board determines, through complaint or other means, a landowner is not in compliance with noxious weed control requirements, voluntary compliance with the district weed control program is requested. If unsuccessful, the board is required by statute to issue a notice of noncompliance and identify control techniques which lead to compliance with the district's management plan criteria. Weed districts may establish an individual plan to identify weed control responsibilities of the landowner in noncompliance.

If corrective action is not taken, boards are statutorily authorized access to the land and may initiate appropriate control measures. In noncompliance situations, statute authorizes the district to bill the landowner for weed control expenses. Statute also provides for

Chapter II - Background

administrative hearing, appeal to county commissioners, and district court petition for a person adversely affected by weed board action.

Boards Employ Weed Supervisors

A weed board may employ a weed district supervisor to implement the requirements of the weed management plan. County commissioners/weed boards determine whether the weed supervisor is a full-time or part-time employee. Districts may employ a part-time weed supervisor for three to four months during the weed season or retain a full-time supervisor plus administrative support and seasonal spray crews. Some weed districts hire a weed supervisor to evaluate infestations and administer a contract with a commercial chemical applicator responsible for weed control activities. Other districts designate the county Extension Service agent as the weed supervisor. Data collected by MDA in 1992 indicated 32 of 56 counties employed full-time weed supervisors. According to staff estimates, in 1996 about 50 percent of the district weed supervisors were full-time.

District Weed Control Funding

Statute requires county commissioners to establish a noxious weed fund to pay for weed management and control activity. Local fund sources include:

- County general fund money.
- Funds from levies and assessments.
- Grants.
- Gifts.

Determining expenditures for a district weed control program budget is a statutory responsibility of the weed board.

Mill Levy

Section 7-22-2142, MCA, allows county commissioners to assess a levy up to two mills for noxious weed control in their district without voter approval. Additional mill levies require a vote. According to statute, lessees of state lands within the district are responsible for assessments and taxes levied by county commissioners. Noxious weed control mill levy applies to the taxable value of property.

Chapter II - Background

We noted mill levies ranged from zero in two counties to six mills in one county. The average mill levy was 1.76 mills, with 6 counties assessing more than 2 mills in fiscal year 1995-96. County mill values averaged over \$42,000 annually for all counties in fiscal year 1995-96. Three counties generate over \$100,000 annually from weed control mill levies. Mill levies in 20 counties generate less than \$20,000 annually. The following table lists county weed control mill levies and tax revenue for fiscal year 1995-96.

Chapter II - Background

Table 1
County Mill Levies for Noxious Weed Control
(Fiscal Year 1995-96)

County	Weed Mills	Revenue	County	Weed Mills	Revenue
Beaverhead	1.60	\$29,263	McCone	0.03	\$246
Big Horn	1.36	\$38,443	Meagher	6.00	\$53,306
Blaine	1.76	\$25,838	Mineral	0.00	\$0
Broadwater	2.00	\$23,282	Missoula	0.65	\$95,431
Carbon	2.91	\$58,860	Musselshell	2.22	\$17,010
Carter	2.00	\$17,792	Park	1.60	\$45,836
Cascade	2.00	\$217,621	Petroleum	2.00	\$4,129
Chouteau	2.67	\$66,180	Phillips	1.30	\$27,797
Custer	1.62	\$26,357	Pondera	2.00	\$30,767
Daniels	0.68	\$4,473	Powder River	0.00	\$0
Dawson	1.28	\$23,189	Powell	1.60	\$21,371
Deer Lodge	2.00	\$19,818	Prairie	2.00	\$9,182
Fallon	3.21	\$35,541	Ravalli	1.60	\$70,360
Fergus	1.50	\$35,930	Richland	1.95	\$42,507
Flathead	1.42	\$197,857	Roosevelt	2.00	\$54,332
Gallatin	1.77	\$179,035	Rosebud	0.30	\$53,331
Garfield	1.50	\$9,045	Sanders	1.10	\$36,656
Glacier	2.00	\$40,660	Sheridan	2.00	\$24,052
Golden Valley	2.00	\$10,750	Silver Bow	0.79	\$44,065
Granite	2.00	\$18,186	Stillwater	1.60	\$35,987
Hill	2.54	\$79,437	Sweet Grass	1.95	\$17,124
Jefferson	2.00	\$50,394	Teton	2.51	\$38,581
Judith Basin	1.60	\$16,418	Toole	1.64	\$30,093
Lake	1.74	\$75,643	Treasure	1.74	\$8,363
Lewis & Clark	1.00	\$80,838	Valley	0.78	\$21,482
Liberty	2.00	\$19,709	Wheatland	1.60	\$13,720
Lincoln	1.19	\$33,429	Wibaux	5.97	\$25,556
Madison	1.70	\$37,593	Yellowstone	0.46	\$106,051
			Total		\$2,398,916

Source: Compiled by the Legislative Audit Division from Department of Agriculture records.

Other Revenue is Available

In addition to mill levy revenue, weed districts use revenue from other sources to support noxious weed control. These sources include:

- Fees for weed control services on landowner property.
- Equipment rental.
- Chemical sales.
- Contracts and agreements for weed control on lands controlled by municipalities and state/federal agencies.
- Funding from MDT for state and federal highway right-of-way (ROW).

One other source of funding for counties/districts is the MDA-administered Noxious Weed Trust Fund (NWTF). NWTF provides cost-share funding for cooperative weed control projects among landowners or weed district equipment/infrastructure requirements. NWTF is discussed in the following sections.

Department of Agriculture (MDA)

MDA's statutory responsibilities include technical assistance for management and control of noxious weeds such as:

- Develop and maintain records on noxious weed infestations.
- Determine environmental impact of noxious plants.
- Determine management approaches and control techniques considering economic and environmental impacts.
- Distribute information on proper use of herbicides.

Department staff assigned to the Technical Services Bureau (TSB) of the Agricultural Sciences Division provide technical assistance to weed districts and landowners. While all 16 TSB staff respond to requests for assistance, only 2.17 FTE are assigned to administer the NWTF and are funded by the NWTF.

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Noxious Weed Trust Fund (NWTF) Administration

Section 80-7-811, MCA, establishes the NWTF and requires MDA to administer the fund. Section 80-7-805, MCA, establishes the Noxious Weed Management Advisory Council to provide advice to the department concerning NWTF administration. Council members are appointed by the director. Council membership includes representation from livestock production, crop production, sportsman/wildlife, herbicide dealer, consumer, biological research, Montana Weed Control Association, and an at large member. The MDA director serves as council chairman.

NWTF Grant Funding

NWTF revenue was initially derived from a statutory requirement for a herbicide sales surcharge. The statute was repealed in 1993. In 1987, the legislature recognized vehicles as major contributors to the spread of noxious weeds from roads to rangeland. Section 61-3-510, MCA, establishes a special fee for weed control assessment of \$1.50 with annual motor vehicle registration. Three percent of the proceeds from the vehicle fee may be retained by county treasurers for collection cost. The remainder is deposited in a special revenue fund established for the NWTF.

Vehicle fees and interest earned by the NWTF may be expended for noxious weed management projects as long as the principal of the trust fund remains at \$2.5 million. In addition to grants, the NWTF pays the program's administrative costs.

Conclusion: 25 percent Requirement Met

According to statute, 25 percent of the vehicle assessment will be used to fund nonchemical methods of weed management such as biological weed control research. During our review of three fiscal years of grant awards, we determined the department is in compliance with this statutory requirement.

The following table indicates funding from interest and vehicle registration fees for the last three fiscal years.

Table 2
NWTF Funding
(Fiscal Years 1993-94 through 1995-96)

	1993-94	1994-95	1995-96
Fund Balance	\$2,534,844	\$2,518,875	\$2,544,390
Fund Source			
NWTF Interest	\$ 253,771	\$ 337,133	\$ 382,947
Vehicle Weed Fee	1,354,987	1,353,211	1,359,188
Total Revenue	\$1,608,758	\$1,690,344	\$1,742,135

Source: Compiled by the Legislative Audit Division from Department of Agriculture records.

Grants are Cost-Share

Legislative intent for disbursement of NWTF grants is for cost-sharing between the fund and grant recipients. Participant selection and cost-share ratios are determined by considering:

- Ability to fund from other sources.
- Need for the project.
- Amount of benefit from the project.

Projects with greater community involvement and benefit receive priority for grant awards.

There are four categories of NWTF grants: cooperative cost-share, special county or Indian reservation, education, and research. The following table reflects NWTF distribution by grant category for the last three fiscal years.

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Table 3
NWTF Distribution by Grant Category
(Fiscal Years 1993-94 through 1995-96)

Grant Category	1993-94	Percent of Funds	1994-95	Percent of Funds	1995-96	Percent of Funds
Cooperative Cost-share	\$ 566,220	25	\$ 480,297	41	\$ 648,900	43
Special County or Reservation	998,413	45	247,503	21	222,577	14
Education and Research	662,706	30	455,437	38	651,473	43
Total	\$2,227,339	100	\$1,183,237	100	\$1,522,950	100

Source: Compiled by the Legislative Audit Division from Department of Agriculture records.

Conclusion: NWTF Process is Well Documented and Controls in Place

We found the application submission, review, and approval process well-documented and controlled. MDA staff assigned to the weed coordinator office assure compliance with statutory grant award criteria. Environmental assessments (EA) are prepared by staff and retained in project files. Similarly, documentation of project status and payment requests is reviewed by staff and the process is controlled. Staff complete annual on-site evaluations of active cooperative cost-share projects and provide copies to project sponsors.

Project Eligibility Criteria

According to statute, a project is eligible to receive a NWTF grant if the county in which the project occurs has funded its own weed management program with a levy amount of not less than 1.6 mills, an equivalent amount from other weed control revenue sources, or at least \$100,000 for Class One counties. This basic eligibility need not apply if the project meets any of the following criteria:

- Employs new or innovative methodology.
- Involves cost-share with a local weed district.
- Applies to control of a newly introduced weed.
- Significantly contributes to weed management.

- Supports agricultural experiment stations or Extension Service projects for research, evaluation and education.

Department Policy Influences Landowner Project Eligibility

To assure landowner commitment to cooperative cost-share projects, the department also considers the history of implemented weed control measures in the project area. In addition to reviewing landowner monetary commitment prior to grant application, the department examines cooperation between landowners during the preceding one to two years. Grant application guidelines distributed by the department indicate at least three landowners are necessary to form cooperative projects and emphasize the need for integrated weed control.

The application also requires an outline of landowners' long-term commitment to weed control after grant funding terminates. Department policy restricts grant funding to not more than four consecutive years because emphasis is on use of NWTF grants to encourage landowner commitment. After four years, landowners should assume responsibility for long-term requirements.

Cooperative Cost-share Grant Application Starts with Landowner Interest in Weed Control

The cooperative cost-share grant application process usually starts with a group of landowners interested in establishing a project to control weeds in their area. Administrative rules require a sponsor to facilitate project monitoring and expense tracking. Sponsors include weed district supervisors, county Extension Service agents, federal agency officials, and landowners.

District weed supervisors work with landowners to identify weed infestations, develop weed control technologies such as chemical, biological or cultural, and determine required cost-share information for proposed techniques. The weed supervisor and/or designated sponsor assists landowners with preparation of the formal application and attachments reflecting soils, vegetation, water, wildlife, historical sites, and other environmental information. Department staff assist landowners with preparation of cooperative cost-share grant applications when requested.

Grant application also includes a project schedule and supporting documentation such as contracts with commercial chemical

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applicators, easement maps, and reports on previous weed controls. Applications reflect anticipated local education program efforts to encourage more weed control activities. In addition, the application includes a proposal for evaluating project success, usually by photographs or a manual process which measures an area and physically counts weeds before, during, and after control techniques. Applicants forward an original plus 16 copies of the grant application package to the department for distribution to Noxious Weed Management Advisory Council members and staff for review.

Environmental Assessment is Required

Based on information landowners and weed supervisors provide with the application, MDA staff complete an EA for each cooperative cost-share weed control project. To complete the EA, seven department specialists review information provided with the application to assure consideration of the following areas:

- Terrestrial and aquatic life and habitat.
- Water quality and distribution.
- Geology and soils.
- Non-target vegetation.
- Aesthetics.
- Air quality.
- Unique endangered, fragile or limited environmental resources.
- Demands on environmental resources of water, air, and energy.
- Historical and archeological sites.

While the EA is an integral part of the NWTF grant application process, when landowners conduct weed control without grant funding, environmental reviews are not required.

Other Types of Grant Application Procedures

In addition to cooperative cost-share grants, NWTF supports a variety of other weed control activities. Each year, the department designates a portion of available funds for special county grants, frequently used by weed districts to replace or upgrade equipment. These grants are also awarded to Indian reservations. The department, based on a review of funding for the year, determines the amount available for special county or reservation grants in advance of applications. While the application submittal and review process is similar to cooperative cost-share grants, special

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county/reservation grants require less supporting documentation such as EA information.

NWTF grants may be awarded for weed control education and awareness projects such as publishing pamphlets and posters identifying noxious weeds. Grants are also awarded for weed control research. In addition to MDA staff, Montana Weed Control Association committees review and comment on education and research grant applications. Otherwise, the application process for education and research grants is similar to special county grants.

Advisory Council Recommends Grant Awards

Advisory Council meetings are usually held in January and April of each year. The deadline for receipt of all grant applications is approximately six weeks prior to a scheduled advisory council meeting. This deadline allows time for staff and council member review. Staff contact applicants to acquire missing information if applications are incomplete. The department's intent is to make applications complete to assure all projects are considered, not to eliminate applicants.

Following staff review and EA completion (if required), copies of application packages are forwarded to council members. Applicants or project sponsors may be scheduled for a 15 minute presentation and questions before the Council. The Council recommends approval or disapproval of awards to the director who has final approval. The Council can also recommend approval contingent upon a revision such as a project budget increase or decrease.

Contracts Identify Funding and Reporting Requirements

Following council recommendation, the MDA director sends applicants a signed letter indicating approval or disapproval of each application. Staff prepare a grant award contract for all approved projects. The department requires the project sponsor, local weed board official, and county commissioner(s) to sign the contracts to reflect acceptance of project monitoring and expense reporting requirements. The department director signs the contract for grant award funding approval.

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Grant Distribution

Over the past several years, the number of grant applications has exceeded 150 each year with over 100 approved and awarded funds. For the 1996 cycle, the department received 167 applications. The director awarded grants to 116 of the 167 applicants. Table 4 lists approved grants by category for three years.

Table 4
Number of NWTF Grant Awards by Category
(Fiscal Years 1993-94 through 1995-96)

Grant Category	1993-94	1994-95	1995-96
Cooperative Cost-share	51	32	34
Special County	56	51	51
Special Reservation	*	3	6
Education and Research	26	19	25
Total	133	105	166

* Indian reservation grants were not available until 1994-95.

Source: Compiled by the Legislative Audit Division from Department of Agriculture records.

Noxious Weed Management Coordinator

In accordance with legislative intent, the department established the noxious weed management coordinator position to implement the grant program, maintain disbursement records, and record progress of funded projects. MDA's weed coordinator determines the effectiveness of previously funded projects and provides the director and council information necessary to make decisions on future projects. Responsibilities also include review of NWTF grant applications and assistance to weed districts to help develop projects.

Noxious Weed Seed Free Forage Act

MDA is also responsible for administering another noxious weed control program. The purpose of Title 80, chapter 7, part 9, MCA, Noxious Weed Seed Free Forage Act, is to protect Montana's natural resources from noxious weeds and their seeds. The 1995 Legislature determined movement of agricultural crops, commodities, and livestock cause new and expanding weed infestations. The weed seed free forage program was established to create cooperation between federal, state and local governments, the university system, and private citizens. The program provides for annual certification of farm/ranch forage through application, fee payment, and inspection of forage/commodities. The Noxious Weed Seed Free Forage Certification Program effective date was January 1, 1996. Revenue from weed seed free forage certification fees and penalties is deposited in a special revenue account used to administer the program.

Weed Seed Free Forage Advisory Council

The director of MDA appointed an advisory council composed of 12 members involved with the production and use of forage commodities. The department is statutorily responsible for preparation of administrative rules to carry out the program. The Weed Seed Free Forage Advisory Council was established to provide advice on rule development for application and inspection fees, certification marking, contracts and agreements, certification standards, inspections records, applications, reciprocal agreements with other states, and penalties. Administrative rules for this program became effective in May 1996.

Department of Transportation (MDT)

Montana's road system includes 1,250 miles of interstate, 5,450 miles of primary roads, and over 70,000 miles of secondary and off-system roads. Section 7-14-2132, MCA, designates district weed boards responsible for weed control on state and federal highway ROW if the state does not control weeds in these areas. This includes ROW within Indian reservation boundaries. By statute, the cost of weed control on state and federal ROW is paid by MDT upon receipt of a verified district weed board account of expenses.

Through agreements between weed districts and MDT maintenance districts/areas, the majority of Montana's state and federal highway ROW weed control is conducted by weed districts. For fiscal year

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1994-95 and 1995-96, approximately \$1.7 million was available to weed districts for this purpose.

MDT State and Federal Right-of-Way

Typically, to determine annual weed district funding for ROW, weed district supervisors prepare a work proposal which MDT maintenance district/area staff review. The basis for the annual work/budget agreement is historical expenditure of available funding. Weed district and maintenance district/area officials sign an agreement or contract to formalize work requirements and available funding. Some weed district boundaries include more than one MDT maintenance district/area and these weed districts establish multiple agreements.

After implementing control techniques, weed districts submit invoices for ROW weed control expenses to maintenance district/-area offices. MDT maintenance staff review cost information and bills are paid by the department. The final step in the process for MDT staff involves preparing status information for the department's Maintenance Management System, which tracks lane miles and road acreage sprayed as well as costs incurred.

District-State Agency Cooperative Agreements

Section 7-22-2151, MCA, enacted by the 1995 Legislature requires any state agency which controls land within a district to establish a cooperative agreement with the district weed board. Agreements are to specify mutual responsibilities for integrated noxious weed management. These agreements must include a 6-year noxious weed management plan and the operations budget required for implementation. The agreements need to be updated biennially, and reflect management goals. In addition to MDT, agencies required by statute to prepare agreements and develop 6-year plans include: the Departments of Fish, Wildlife and Parks, Corrections, and Natural Resources and Conservation, and the Montana University System. District weed supervisors indicated 6-year plan development is being discussed with state agencies. These plans are in preliminary development and not yet implemented. When completed, agency plans should be part of the weed district management plan.

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Introduction

According to the legislative statement of intent for county weed control: “It is the policy of the state of Montana to properly control and manage noxious weeds in order to protect the agricultural economy and natural ecosystems of the state.” Statute defines weed control management as contain, suppress, or eradicate noxious weeds. Section 7-22-2116, MCA, requires either compliance with: 1) weed district noxious weed control management criteria or, 2) compliance with a weed control proposal established between the landowner and weed district. The legislature intended program effectiveness to be dependent on local management efforts to contain, suppress or eradicate noxious weeds, while striving for compliance with weed control regulatory requirements.

During this audit, we examined state and local noxious weed control resources and compliance with weed control statutory requirements. Resource availability such as local funding, staff, facilities, and equipment influence effectiveness of weed control activity in each weed district and the ability to ensure compliance with statutes.

In this chapter, we discuss alternatives to improve resource availability and compliance, and present our recommendation.

Many Factors Influence Weed Control Capability and Compliance

To effectively control noxious weeds, local weed control programs require as much flexibility as possible in order to respond to changing conditions. The primary factors which influence weed control capability and compliance are: weather, available resources such as staff, equipment, facilities and services, and local commitment to statutory requirements. In addition to resource availability and capability factors, county autonomy, local economic factors, and environmental concerns also influence weed control variations.

Weather is a Major Influence on Weed Control

Weather has a significant influence on noxious weed control. Not only does weather influence plant growth, but weather dictates when weed control equipment may be used to access much of Montana’s terrain. Unlike the need to plow snow on roadways whenever it falls to assure public access, weather may prohibit weed control at precisely the time when control techniques could accomplish the most. Similarly, because of access restrictions, factors such as local

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crop harvests and/or the forest fire season influence when weed control may be conducted. The need for decision-making at the lowest level led to legislation which makes county weed districts responsible for noxious weed control.

Resource Availability Impacts Weed Control

County commissioners/weed boards determine weed control staffing requirements. In addition to full-time staff, districts may contract with commercial applicators for limited weed spraying activities or hire temporary spray crews to meet requirements based on weather conditions and weed growth. In districts with extensive weed control activities, staffing includes a full-time supervisor, a compliance assistant/work foreman, administrative support, and seasonal spray crews.

Some district weed supervisors described their weed control budgets in terms of building blocks such as mill levies, general funds, grants, and fees for services and/or chemicals. If revenue from one source is missing, either another source makes up the difference or capability is reduced. We noted one county typically employed a weed supervisor from April through November, but decided to end all weed control activity in August due to a budget shortfall. As a result, neither fall spraying nor preparation of applications for potential NWTF projects was possible. Differences in available resources means variation in weed control capability and flexibility between weed districts.

Equipment, Facilities, and Services Differ

Most weed district equipment resources have been modernized significantly during the past three years primarily due to participation in a cost-share grant program offered through the NWTF. Through cost-sharing for equipment and facilities, individual weed control programs across the state benefit because capabilities increase and flexibility improves. Although the impact of these NWTF grants has been positive, equipment and facilities available to weed districts to perform the range of activities necessary to effectively control noxious weeds still varies. Some district equipment inventories include permanently attached and slide-in truck, trailer, ATV, and backpack chemical sprayers. The newest equipment incorporates computer-controlled sprayers

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operated by one individual from the truck cab. Other districts continue to operate a single truck mounted sprayer requiring two staff and providing limited capability to cover many types of terrain.

Some weed districts further enhance weed control activities by providing rental and/or loaner equipment to private landowners. These districts may also provide spray services and chemicals to landowners on a cost reimbursement basis. According to weed supervisors, providing rental/loaner equipment and/or weed control services facilitates landowner involvement and promotes noxious weed education and awareness.

Several counties we visited offered neither rental/loaner equipment nor weed control services to landowners. Comments from weed supervisors in these counties reflected concerns from county commissioners about competition with commercial chemical application or equipment rental vendors who might provide similar services for noxious weed control.

Weed Supervisors Discussed Compliance

During our visits to weed districts, we discussed commitment to comply with statutory noxious weed control requirements. We found a wide range of activities to verify or assure compliance with statutory weed control requirements. Some districts control weeds on county and state/federal right-of-way (ROW) exclusive of any other weed control activities such as landowner noncompliance. Other districts control ROW, include identification of landowner noncompliance, and assist with determination of control techniques to achieve compliance. At the other end of the spectrum, some districts neither pursue landowner noncompliance issues nor emphasize noxious weed control along county ROW.

Coordination Also Impacts Capability and Compliance

According to weed supervisors, while local resources directly impact noxious weed control, poor coordination between agencies and districts also reduces the overall effectiveness of individual district efforts. For example, NWTF cooperative cost-share grants may be approved in weed districts which do not aggressively control noxious weeds along adjoining properties. While the NWTF-funded project may be very successful, the long-term effectiveness is

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reduced because of lack of weed control on adjoining land. Similarly, some counties conscientiously use MDT ROW funds, but do not pursue landowner noncompliance or address infestations on state and federal lands.

There are many examples of successful noxious weed control projects supported with adequate resources. Projects involving infestations on Department of Fish, Wildlife and Parks fishing access sites, U.S. Forest Service and Bureau of Land Management lands have achieved significant results because of coordination and cooperation. We also noted examples of joint weed district projects; one project involved seven districts. We observed cooperative projects involving several landowners where the weed district played an integral role in assuring common ROW infestations were controlled. In addition, we noted positive examples of weed district coordination whereby one district assisted another in isolated areas or when staff or equipment shortfalls impacted short-term weed control capabilities.

Infestations Continue to Move

Despite the dedicated efforts of many weed districts and landowners, when resource limitations combine with differences in local commitment to statutory requirements, infestations move to/from private land and public land/ROW and adjoining weed districts. In the long term, these variations in capability and assurance of compliance continue to affect the agricultural economy and natural ecosystems. References to the spread of noxious weeds in the 1992 MDA Programmatic Environmental Impact Statement (PEIS), prepared to help define procedures for administering the Noxious Weed Trust Fund, indicate the following infestation levels in Montana:

- Knapweed, over 5,000,000 acres.
- Canadian thistle, over 500,000 acres.
- Field Bindweed, over 668,000 acres.
- St Johnswort, over 510,000 acres.

As examples of the impact on agricultural economy, the PEIS suggests knapweed and leafy spurge infestations cost the Montana

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range livestock industry \$4.5 million and \$2.2 million, respectively, in annual forage loss.

Alternatives to Increase Capability

We compared weed district resources and capabilities and developed a list of management practices currently used by the most active weed districts across the state. We found these variables influence available revenue and weed control resources such as staff, equipment, and facilities.

Is Legislation Needed?

We considered the need for statutory change to insure capability and assurance of compliance improve. However, we determined existing legislation already provides local government with options appropriate for implementing and managing noxious weed programs. Statute pertaining to state agency oversight, although limited to MDA technical assistance, NWTf administration, and state/federal ROW weed control, provides adequate support for local noxious weed management. In the next section, we identify alternatives which could increase resource availability and improve noxious weed control and compliance with statutory requirements. These alternatives could also enhance coordination between landowners, local weed districts, and state and federal agencies.

Alternative Management Practices

If weed districts evaluate, then implement any or all of the alternative management practices listed below, we believe noxious weed control effectiveness and capability could be improved:

- Make rental and/or loaner equipment available to the public. This capability provides opportunities for increased awareness of weed control issues and provides options to landowners for resolution of noxious weed problems. Revenue from rental equipment can be used to support equipment replacement and provide additional program flexibility (staff, administration, facility, etc.)
- Arrange for access to chemicals, either through the weed district or commercial sales, because landowners require convenient access to chemicals if that is the control technique selected. Chemical sales revenue could be used to cover administrative costs associated with chemical purchases, storage, mixing, and delivery.

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Capability and Compliance

- Help landowners identify access to weed district services or commercial capabilities, since these are options for chemical weed control in lieu of owning equipment and maintaining a license. Revenue from services could be used to increase staff capabilities and/or improve scheduling flexibility.
- Develop contracts with municipalities and state or federal agencies for weed control requirements. Establish labor and equipment rates adequate to cover program costs including wages/benefits, equipment maintenance/replacement, and facility depreciation.
- Using the weed management plan, formalize district procedures for compliance and control techniques to help convey the message for noxious weed control. Procedures should support achievement of statutory requirements for voluntary or directed compliance by landowners.
- Evaluate consolidation with other weed districts. Statute allows counties to combine and form consolidated weed districts and boards. Consolidation could lower total costs, increase staff flexibility/coverage, and increase cost-share project opportunities. This approach has proven effective in other county service areas such as sanitarian inspection of restaurants, motels, and trailer courts.

Management Plans are a Coordination Tool

Weed control statutes do not designate a state agency/focal point for all noxious weed control activity. The focus of Montana weed control is at the county level. According to statute, weed boards are responsible for establishing management criteria based on a weed plan, and for controlling noxious weeds on all land within district boundaries. Legislative intent infers management plans should be the tool to help coordinate weed priorities, establish techniques for control, and communicate compliance requirements on local, state and federal land as well as private property.

Plans Cited as Useful

Statute requires development of district noxious weed control programs based on management plans which identify weed control priorities, designate control methodologies, and specify compliance requirements consistent with any local statutes or control criteria. Consistent with the successfully coordinated projects described on page 24, we noted weed management plans in these same districts which are up-to-date. Weed supervisors, as well as department staff

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believe current management plans are useful tools for an effective, coordinated noxious weed management program. We found management plans revised by weed supervisors and approved by weed boards and/or county commissioners during the past one to three years are used to coordinate local noxious weed control activities. According to weed supervisors and MDA and MDT staff, these up-to-date plans are used more frequently by local and state officials and the public to communicate infestation priorities and assess control activities than older plans.

We examined management plans maintained on file by MDA and found some plans have not been updated since their initial development in 1986. Time and resources were frequently cited as the reason many weed management plans were out-of-date.

Can Management Plans Improve Weed Control Coordination?

To help weed districts comply with the development of useful management plans, section 7-22-2130, MCA, requires MDA to develop administrative rules specifying the level and type of training necessary for weed district supervisors to implement noxious weed management programs. The intent of this training is two-fold:

- Assure proper pesticide/herbicide management.
- Improve the effectiveness of noxious weed management program implementation.

Although MDA is responsible for developing training, legislative intent specifies county weed boards are responsible for assuring weed district supervisors receive training on proper implementation of noxious weed management programs.

Weed Supervisor Training is Informal

Currently, the department provides training to weed district supervisors to meet the requirements for a pesticide/herbicide applicator license. The department also oversees training activities associated with spring and fall weed supervisor conferences held in conjunction with the Montana Weed Control Association meetings. However, this process is informal and administrative rules have not been adopted which specify the objectives of weed supervisor training to implement effective weed management programs. By

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establishing required training objectives which address management practices and plan criteria, the department could have a positive effect on local capabilities and assurance of compliance.

Training Objectives Could Improve Communication and Coordination

To formalize the process, MDA, in conjunction with district weed boards/supervisors, should develop training objectives for administering weed management programs and focus on statutory requirements for weed management plans. Development of objectives should be a joint effort with weed districts to assure consideration of county autonomy, resource availability, economic factors, and environmental concerns. In addition to existing pesticide/herbicide requirements, development of training objectives should consider weed management plan criteria such as:

- Are plans current enough to reflect weed control priorities and techniques accepted by the district?
- Are plans available to the public and government agencies?
- Are plans useful for coordination of weed control projects and activities between and within weed districts?

To measure the effectiveness of developed objectives and subsequent training, MDA could more closely review management plans during the NWTF grant award process to assure consistency between a district's plan and weed control projects described in grant applications. Although not required by statute, MDA's weed coordinator occasionally examines weed district management plans for requirements relating to a specific NWTF grant application.

Other Options to Enhance Training

Our recommendation emphasizes a more active and formal MDA training role. As the department focuses on their training role, they should consider training-related options. The department could establish procedures allowing both weed district officials and/or landowners to apply for NWTF grants for management plan development training. In fiscal year 1995-96, 43 percent of NWTF funding went to education and research. In addition to district weed supervisors and other state/federal project sponsors, training could include weed board members, county commissioners, and active/-potential landowner project sponsors. Finally, since training should

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emphasize local management plan development, it could also include review and consideration of weed district services, revenue, and consolidation management practices discussed in earlier sections of this chapter. Formal training is an opportunity to provide information and exchange ideas which can benefit weed control effectiveness.

Recommendation #1

We recommend the department:

- A. Establish long-term goals for training to include weed supervisors, weed board members and county commissioners.**
- B. Develop training objectives for administering weed management programs and improving management practices.**
- C. Prepare administrative rules for the level and type of weed supervisor training.**
- D. Establish procedures which allow weed district officials and project sponsors to apply for NWTF grants to help pay for training to develop management plans and improve management practices.**

Department Agrees Concerns are Valid

In response to our recommendation, the department indicated agreement with two fundamental concerns:

- Weed management plans need to be current and useful.
- Training plays a significant role in state-wide noxious weed control.

MDA suggests their NWTF administration and technical assistance responsibilities should include assisting weed districts with plan development. The department intends to refine the existing pesticide certification and training program to include other weed management responsibilities. MDA has already started a training

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program for weed board members as well as weed supervisors. The department acknowledges their need to develop administrative rules for weed supervisor training which specifies types and levels of training related to weed management program development and implementation as well as herbicide management.

Chapter IV - Noxious Weed Trust Fund Administration

Introduction

Title 80, chapter 7, part 8, MCA, establishes the Noxious Weed Trust Fund (NTWF) to support noxious weed management projects. Legislative intent reflects cost-share commitment, area benefit, and community involvement as priority criteria for selection of NTWF grant recipients. A primary purpose of weed management plans discussed in previous chapters is to establish local noxious weed goals and priorities. The intent of the Montana Department of Agriculture's (MDA) administration of the NTWF is to help assure available funding is used for state-wide noxious weed concerns. We found the grant application and review process is complex and time-consuming. As a result, county participation is impacted and it is difficult for the department to assure potential projects across the state receive consideration for available grant funds. In this chapter, we discuss our findings and present recommendations for improvement.

Grant Paperwork Workload Conflicts with Weed District Priorities

According to district weed supervisors, the paperwork workload associated with NTWF application submission and documentation for project monitoring and expense tracking frequently conflicts with local work priorities due to limited resources. At the same time, weed supervisors unanimously agreed if resources are committed to NTWF project development and monitoring, the resulting effect on noxious weed infestations will continue to be positive.

MDA staff agreed project development and coordination often requires a year-round effort which may be impacted by available weed district staff. Application paperwork such as environmental assessment (EA) information is detailed and time-consuming to collect and formalize. The workload associated with grant application and project monitoring is difficult for weed districts with part-time weed supervisors and/or limited administrative support.

Participation is a Concern

Seventeen of 56 counties were awarded a total of 34 cooperative cost-share grants in 1996. During the past three fiscal years 40 of 56 counties have participated in cooperative cost-share projects. The following chart reflects the number of counties and projects for three fiscal years.

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Table 5
Cooperative Cost-Share Projects
(Fiscal Years 1993-94 through 1995-96)

<u>Fiscal Year</u>	<u>Counties</u>	<u>Projects</u>
1993-94	32	51
1994-95	18	32
1995-96	<u>17</u>	<u>34</u>
Total	40	117

Source: Compiled by the Legislative Audit Division from Department of Agriculture records.

MDA weed coordinator staff are very involved with application review and active project monitoring. This workload is in line with legislative intent for the weed coordinator to maintain project records and funding status for the department. However, the weed coordinator is also responsible for advising the director on future fund disbursement decisions and to “work with and assist county weed districts.” The department weed coordinator is ultimately responsible for assuring the director considers state-wide noxious weed infestations when awarding NWTF grants.

How to Increase NWTF Participation?

The department should consider alternatives which could increase participation in the application and review process. One way to increase participation is to reduce the workload associated with application preparation, review and follow-up grant monitoring. This workload impacts landowners, project sponsors, district weed supervisors, MDA staff, and the advisory council and department director. We believe by reducing procedural work requirements wherever possible there is more opportunity for officials at all levels to increase participation in the NWTF process.

MDA staff should continue to refine NWTF cooperative cost-share project grant application and financial tracking procedures where possible. Examples of efforts already initiated by the department include:

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- Providing points of contact and telephone numbers for assistance in compiling EA information.
- Reducing the narrative and financial summary requirement from quarterly to twice a year.
- Supporting NWTF funding for generalized or regional EA documentation.
- Allowing NWTF grants for administrative costs associated with application preparation and project monitoring.

Reduce Paperwork and Review for Special County/Reservation Grants

For many special county/reservation grants, standard processing procedures and documentation appear to detract from effective use of the time of project sponsors, MDA staff responsible for review, advisory council members, and the MDA director. When applications are processed for equipment items, these procedures are streamlined compared to the requirements for a cooperative cost-share weed control project review because EA documentation is not required. However, the following four steps are still followed for up to 56 special county and 7 Indian reservation grants:

- Weed district prepares a formal multi-page application.
- Department prepares a standard application file for review by as many as five staff, all advisory council members, and the director.
- Department prepares a standard contract (nine pages), reviewed by up to five staff and the project sponsor, then routed for signature by approving authorities (weed board, county commissioner, and director).
- Weed district and MDA prepare and file various financial and project monitoring documents.

The department could develop procedures for more direct funding of selected special county/reservation grants such as equipment items. In lieu of the multi-page application, a one page request or a memorandum form could be used. Instead of review by several staff, council members and the director, one staff could compile a list of requests. The department could set a grant limit in advance as they do now (\$5,000 for FY 1996-97), and establish application

Chapter IV - Noxious Weed Trust Fund Administration

deadlines which precede advisory council meetings. The department could comply with the requirement for the Council's recommendation to the director by providing council members a comprehensive list of all weed district/reservation equipment proposals at scheduled meetings. These procedures would reduce filing, distribution, and review requirements. To simplify contracts, the department should develop a one-page document. These procedures could reduce paperwork workload for landowners, weed district supervisors, MDA staff, and council members.

To assure weed districts meet the basic criteria for award of a NWTF grant, 1.6 mills or equivalent budget, the department could require submission of annual district weed control budgets. This information is already required by statute to be included in district weed management plans.

Assess Weed Districts

In addition to reducing the NWTF paperwork workload, MDA staff should take a more active approach to facilitate cooperative cost-share grants for weed control projects. Previously, we indicated 17 counties were awarded cooperative cost-share project grants in 1996 and 40 different counties received grants during the past three years. MDA could include an assessment of counties which have not received grants or submitted applications in recent years to determine if noxious weed infestations in those counties should be considered priorities. To be effective, the process should include on-site visits of infested areas by weed coordinator staff with district supervisors. The visits could include a determination of cooperative interest, as well as local weed control capabilities, and a review of weed district management plans.

Use NWTF to Facilitate Project Development

MDA staff, in conjunction with the advisory council, should develop procedures and criteria to use the NWTF to provide preliminary administrative support for potential cost-share projects. In lieu of an available district-funded weed supervisor, this procedure could provide funding directly to potential landowner project sponsors. While such procedures would increase the percent of trust funds used for administration and may not always result in a successful project, emphasis on development of cooperative cost-share weed

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control projects and identification of noxious weed priorities state-wide could result.

Recommendation #2

We recommend the department increase NWTF participation by:

- A. Establishing procedures to facilitate cooperative cost-share grants, including assessments of non-participating counties to determine the potential for weed control projects.**
- B. Developing procedures for selected special county grants to reduce paperwork to a minimal requirement.**
- C. Developing procedures to use NWTF funds to provide additional administrative support to potential sponsors of cooperative cost-share projects.**

Department Supports Need to Improve Participation

In response to our recommendation, MDA stressed the need to encourage participation in NWTF and focus on counties which have not participated in recent years. The department expressed interest in several of the options we proposed such as continuing to refine procedures, examining ways to fund administrative costs, and simplifying special county grant procedures.

Chapter V - State and Federal Right-of-Way Weed Control

Introduction

Section 7-14-2132, MCA, requires either the Montana Department of Transportation (MDT) to control noxious weeds along state and federal right-of-way (ROW) or counties to do the work if MDT does not. Since most ROW weed control is conducted by county weed districts, we examined the process used by MDT to review weed control requirements and provide funding to weed districts. Statute does not address appropriation levels or funding distribution for state/federal ROW noxious weed control. In this chapter, we discuss our audit findings and recommendations pertaining to MDT.

MDT and Weed Districts Agree on Work and Funding

We observed documentation prepared by MDT maintenance district/area officials and district weed supervisors and noted a variety of procedures used to develop noxious weed work requirements and establish weed district funding levels. In some cases, district weed supervisors prepare an annual work proposal for MDT maintenance district/area staff to review. We noted proposals reflecting highway designations, road miles, and anticipated acreage, as well as cost estimates for labor, chemicals and equipment. Following discussion of the proposal, weed district and maintenance district/area officials sign a contract to formalize anticipated work and available funding.

Other districts update a general ROW weed control agreement used in previous years, then issue a separate memorandum to address available funding to pay for anticipated weed control work. We noted agreements which only referred to the district's weed management plan for weed control responsibilities and did not address road miles, acreage, or cost estimates for labor, chemicals and equipment.

Funding Level Based on Historical Expenditure

We found the primary factor used to establish annual work and budget contract/agreement funding is historical expenditures. Funding varies for a few weed districts, but experience shows weed control workload predictions are not very precise because of the weather influences discussed in Chapter III.

Chapter V - State and Federal Right-of-Way Weed Control

Weed Districts Submit Expenditures to MDT for Reimbursement

Following completion of weed control activity, weed districts submit invoices/bills to MDT maintenance district/area offices for reimbursement of expenditures. Although submittal formats vary, procedures for a reimbursement request are similar between weed districts. The daily crew work form used to record activity and expense is the weed district's basis for determining the reimbursement amount. Each day, a supervisor assigns work responsibilities. Using the daily crew work form, staff document labor, equipment and chemical costs, and road area or acreage covered.

From the daily forms, weeds districts prepare expense summaries. The expense summary forms submitted by weed districts and the process used by MDT to review and validate expenses vary among maintenance districts/areas and between weed districts. In some maintenance districts/areas, the maintenance chief reviews expense summaries, in others the responsibility is delegated to foremen or road area supervisors. Most reviews were limited to an assessment of the reasonableness of invoices submitted by weed districts compared to available budget. Review and validation seldom consider the results of noxious weed control activity.

Department Tracks Activity and Expenditure

Maintenance district/area staff prepare status information for the department's Maintenance Management System (MMS). Since expense summary documentation formats vary by weed district, some MDT maintenance district/area staff encounter difficulty interpreting lane miles, road acreage, and related cost data provided by the weed districts. These problems are easily resolved through follow-up telephone calls between maintenance district/area and weed district staff. After any needed clarification, MDT staff update MMS for weed control activity and expenditure.

Procedures Followed Do Not Increase Controls or Effectiveness

State oversight of ROW weed control should increase fiscal controls and/or improve noxious weed control effectiveness at the local level. Existing funding distribution and expense review procedures do not increase fiscal controls or improve weed control effectiveness.

Chapter V - State and Federal Right-of-Way Weed Control

Since existing statute does not restrict local weed control expenditures, it is difficult for MDT to control total spending. MDT relies on county weed districts for fiscal constraint.

Although some MDT maintenance staff are licensed chemical applicators, limited noxious weed control expertise affects MDT capability to evaluate county proposals or verify performance. Maintenance district/area staff do examine ROW weed infestations routinely because department duties require travel on the roadways within their area of responsibility. This informal evaluation of weed control provides useful feedback to weed supervisors. We found reliance on weed districts for noxious weed expertise is an effective alternative to the department establishing and maintaining formal noxious weed expertise.

To determine if there is a more useful way for MDT to evaluate weed control work completed by weed districts, we compared weed control proposals to expense documentation submitted by weed districts. We found because of the influence of weather on weed growth and weed control, even the most detailed work proposals seldom match work accomplishments.

Process Does Not Include Performance Measures

Although MDT staff review documentation and track status of ROW weed control, the data collected is not used to measure performance. We found a few maintenance districts/areas examine weed district cost per acre data or compare labor and equipment rate information between counties. This information has not been used to negotiate future requirements or funding levels with weed districts. We reviewed information from the department's MMS on county weed district cost per lane mile and maintenance district/area cost per acre for fiscal year 1995-96. Weed district cost per lane mile varied from \$6 to \$125. Maintenance district/area expenditure per acre ranged from \$18 to \$241. While these differences appear significant, the department has neither analyzed the data to determine if variations are justified nor used the information to provide guidance to district/area staff to help negotiate annual weed control requirements and funding levels. Table 6 shows fiscal year 1995-96 county lane mile expenditures. Table 7 shows maintenance district/area acre expenditure information for 1995-96.

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Table 6
County Lane/Mile Expenditures for ROW Weed Control
(Fiscal Year 1995-96)

Counties	Expenditure per County	Lane Miles	\$/Lane Miles	Counties	Expenditure per County	Lane Miles	\$/Lane Miles
Beaverhead	\$30,891	502.6	\$61	McCone	\$3,466	302.0	\$11
Big Horn	\$12,228	662.8	\$18	Meagher	\$17,997	204.8	\$88
Blaine	\$2,032	194.6	\$10	Mineral	\$16,058	421.8	\$38
Broadwater	\$20,324	163.2	\$125	Missoula	\$0	644.5	\$0
Carbon	\$5,425	307.4	\$18	Musselshell	\$1,689	204.0	\$8
Carter	\$3,460	102.8	\$34	Park	\$24,971	380.8	\$66
Cascade	\$48,339	746.6	\$65	Petroleum	\$499	125.4	\$4
Chouteau	\$3,557	247.6	\$14	Phillips	\$1,533	272.0	\$6
Custer	\$3,425	477.4	\$7	Pondera	\$25,052	311.0	\$81
Daniels	\$0	97.8	\$0	Powder River	\$1,547	239.2	\$6
Dawson	\$2,981	423.8	\$7	Powell	\$19,804	261.6	\$76
Deer Lodge	\$20,859	200.6	\$104	Prairie	\$1,163	172.0	\$7
Fallon	\$645	172.8	\$4	Ravalli	\$3,518	210.4	\$17
Fergus	\$19,189	461.6	\$42	Richland	\$4,919	250.2	\$20
Flathead	\$49,460	467.0	\$106	Roosevelt	\$2,543	300.2	\$8
Gallatin	\$23,451	658.0	\$36	Rosebud	\$12,910	602.8	\$21
Garfield	\$3,348	260.8	\$13	Sanders	\$7,192	357.0	\$20
Glacier	\$23,153	274.2	\$84	Sheridan	\$824	187.4	\$4
Golden Valley	\$2,508	85.4	\$29	Silver Bow	\$22,287	410.9	\$54
Granite	\$15,580	313.8	\$50	Stillwater	\$6,775	278.8	\$24
Hill	\$7,553	252.8	\$30	Sweet Grass	\$8,820	215.2	\$41
Jefferson	\$26,850	559.2	\$48	Teton	\$4,758	305.2	\$16
Judith Basin	\$7,546	176.0	\$43	Toole	\$6,552	346.2	\$19
Lake	\$17,046	301	\$57	Treasure	\$3,642	148.8	\$24
Lewis & Clark	\$53,152	700.4	\$76	Valley	\$2,789	347.4	\$8
Liberty	\$433	52.2	\$8	Wheatland	\$15,678	161.6	\$97
Lincoln	\$4,279	392.2	\$11	Wibaux	\$2,940	120.4	\$24
Madison	\$22,090	357.2	\$62	Yellowstone	\$4,563	795.3	\$6

Source: Compiled by the Legislative Audit Division from Department of Transportation records.

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Table 7
Maintenance District/Area Expenditure
(Fiscal Year 1995-96)

Maintenance Area	Expenditure per Acre
Missoula	\$24.93
Kalispell	\$32.43
Butte	\$241.64
Bozeman	\$19.16
Great Falls	\$19.14
Havre	\$95.86
Glendive	\$18.34
Wolf Point	\$36.82
Miles City	\$40.50
Billings	\$31.64
Lewistown	\$69.85

**Source: Compiled by the Legislative Audit Division from
Department of Transportation records.**

Weed Control Budget Overruns Occur

Although not predominant, we found examples of weed districts exceeding their annual MDT ROW weed budgets by 100 percent for individual weed districts. We noted maintenance district/area staff resolve weed district overruns by transferring funding from districts which did not use all available budget or from weed control funding retained for MDT projects or contingencies. Statute requires MDT to reimburse weed districts for expenses regardless of funding availability. According to staff, when appropriated funds have been expended, other department funding would be transferred to reimburse weed districts for expenses. In some cases, when weed district funding is depleted, districts are advised by MDT maintenance district/area chiefs to stop weed control activities regardless of the growing season or effect on known infestations.

Chapter V - State and Federal Right-of-Way Weed Control

The Process Could be Improved

Both district weed supervisors and MDT staff spend time compiling, processing and reviewing documentation which does not significantly enhance noxious weed control in Montana. Staff at both levels of government can more effectively and efficiently employ available work hours in support of assigned responsibilities including noxious weed control.

Provide Funds to Weed Districts

The department should eliminate steps which do not add to administrative control of the current process, and retain the positive aspects of local weed control. MDT could provide funding to weed districts at the beginning of each fiscal year for ROW weed control. Weed districts could use this funding to develop weed budgets and pay bills as work progresses. County weed districts would no longer be required to present expense documentation to MDT and the department would not reimburse counties based on invoices/records received.

Funding Distribution Format Needed

MDT would need to develop procedures to distribute appropriated funding directly to weed districts each fiscal year. Initially, each weed district's share could either be based on such factors as historical expenditures determined from existing documentation or a formula reflecting lane miles or anticipated acreage. Criteria could include information on specific weed infestations identified in district weed management plans and/or the 6-year state agency-weed district plans. Both plans are required by statute and include requirements to identify operating budget information.

Annual adjustments could be based on weed district justification such as management plan revision, which could be considered by the department as part of the legislative appropriation request process. MDT could retain a portion of the appropriation for contingencies to assist counties with specific short term problems or for department weed control requirements associated with road construction or maintenance projects.

MDT could require weed districts to retain expense records at the county for a minimum number of years. Similar to other county programs, the records could be audited by the Local Government Services Bureau in the Department of Commerce to assure funding

Chapter V - State and Federal Right-of-Way Weed Control

is used for ROW weed control. Similar state to county funding distribution programs generally require records retention for a minimum of five years.

Statutory Revision is Necessary

In addition to department procedures distributing annual funding, we believe statutory revision is necessary to effectively implement our recommendation. Statute currently allows counties to submit bills for expenses which the department must pay without regard to appropriated funding. Sections 7-14-2132 and 7-22-2144, MCA, should be revised to eliminate the requirement for weed districts to submit expenditure documentation to the department for reimbursement. By eliminating this language, the department can assure the total funding provided to weed districts for ROW weed control does not exceed the appropriation. Weed districts should plan budgets for noxious weed control to match anticipated fiscal year requirements and available funding distributed by the department.

Contracts are an Alternative

Direct contracts by MDT to commercial applicators for ROW noxious weed control is also an option. Following discussions with both district weed supervisors and MDT maintenance district/area chiefs, we conclude contracts for MDT ROW weed control should be evaluated in terms of weed control effectiveness, not strictly dollar savings/efficiency. Counties are provided legislative responsibility for noxious weed control because of the need for knowledgeable local officials, i.e., weed supervisors. Efficiencies gained from direct contract may be off-set by the ineffectiveness of a non-integrated weed control management approach if weed supervisors are removed from the weed management process. There may be occasions when individual weed districts encounter funding or hiring problems and the department may determine direct contract is an appropriate measure. In such cases, the department could also consider contracting with an adjoining weed district, depending on the district's capabilities as well as the availability of local commercial applicators.

Chapter V - State and Federal Right-of-Way Weed Control

Recommendation #3

We recommend the department:

- A. Seek legislation to reflect fiscal year distribution of state/federal ROW funding to weed districts and eliminate the requirement for weed districts to submit weed control expenditure documentation to the department for reimbursement.**
- B. Develop procedures for distributing state/federal ROW weed control funding to weed districts at the beginning of each fiscal year.**

MDT Recognizes Need for Process Improvement

In response to our findings, the department generally accepted our recommendations and recognized the need for process improvement. MDT confirmed the difficulty associated with standardizing noxious weed control and workload projections based on current statutory requirements. The department suggested completion of weed district-state agency noxious weed agreements and 6-year plans required by 1995 legislation would help determine responsibilities and establish control methodologies. We believe the 6-year plans are needed and a combination of direct distribution of ROW funding and local expertise would be the most effective approach.

To increase the department's flexibility to respond to ROW requirements, the state agency-weed district agreements could include standard language to accommodate direct funding or contracts.

Agency Response



MARC RACICOT
GOVERNOR

MONTANA DEPARTMENT OF AGRICULTURE

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May 20, 1997

Mr. Jim Pellegrini
Deputy Performance Audit
Legislative Audit Division
Rm 135 State Capitol Building
P. O. Box 201705
Helena, MT 59620-1705

Dear Mr. Pellegrini:

The Montana Department of Agriculture has reviewed the Legislative Audit Division performance audit on the Noxious Weed Program in Montana. The audit is representative of the department's and county's noxious weed control programs. Following is the department's response to each recommendation:

RECOMMENDATION #1 A.

The department has and will continue to provide training to weed supervisors and other weed district employees. Through a Noxious Weed Trust Fund grant, special training for weed board members was initiated in FY 97 and will continue in FY 98. We are also currently communicating with weed districts on training for county commissioners and anticipate a specific grant proposal to be developed and initiated in FY 98.

RECOMMENDATION #1 B.

The department agrees that goals and objectives for training to improve weed management programs and practices needs to be completed and implemented. We plan to accomplish these tasks in FY 98.

RECOMMENDATION #1 C.

The department, in cooperation with Weed Districts, the Extension Service and others will prepare, publish for hearing and adopt administrative rules for the level and type of weed supervisor training in FY 98.

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RECOMMENDATION #1 D.

The department has, on a limited basis, granted funds to help pay for training to develop management plans and to improve weed management practices. We have assisted several weed districts in completing plans and improving practices. The department plans to increase these activities and make grant funds available to financially assist districts. These functions will be accomplished within existing financial and staff resources.

RECOMMENDATION #2 A.

We will be implementing procedures to facilitate cooperative cost-share grants and to improve assessment of non-participating counties in FY 98. The department does want to emphasize that application for a cooperative cost-share grant is voluntary, however, we can directly assist these counties and communities in developing a proposed project. We also believe it is important to recognize that some counties can only manage one or two cooperative grants in any given year and may not request another cooperative grant until the existing grants are near completion.

RECOMMENDATION #2 B.

We have allowed and plan to improve the use of NWTF funds to appropriately provide administrative support to sponsors of cooperative cost-share projects.

RECOMMENDATION #2 C.

The department has significantly reduced the paper work for special county grants in FY 97 and will further reduce the paper work in FY 98. The special county grant contract has been reduced to a one page document. We also are attempting to refine and reduce the paper work for cooperative cost-share education and research grants while maintaining the quality of the grant process.

The department has found this performance audit as a very useful process to improve the NWTF program which should result in improved services to weed districts, grant cooperators and the public.

Sincerely,

A handwritten signature in black ink, appearing to read "Ralph Peck". The signature is stylized with a large, looping "R" and a cursive "Peck".

Ralph Peck
Director



Montana Department
of Transportation

1711 Prospect Avenue
PO Box 201001
Helena, MT 59620-1001

Mart Racicot, Governor

May 22, 1997

Jim Pellegrini, Deputy Legislative Auditor
Legislative Audit Division
PO BOX 201705
Helena, MT 59620-1705

Subject: Noxious Weed Program Audit.

The following is the departments response to Noxious Weed Program audit recommendations in Chapter V- State and Federal Right-Of-Way Weed Control:

Recommendation #3

We Recommend the department:

- A. Seek legislation to reflect fiscal year distribution state/federal ROW funding to weed districts and eliminate the requirement for weed districts to submit weed control expenditures documentation to the department for reimbursement.

The department generally concurs and will review the recommendation as well as other options for noxious weed control on department ROW. There is a definite need to change the legislation concerning noxious weed control - particularly the statute that requires the department to reimburse weed districts for expenses regardless of funding availability. Legislation will be proposed if this method is determined to be the best method of controlling noxious weeds and costs.

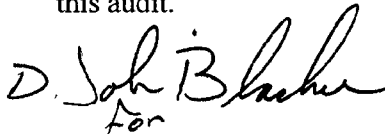
- B. Develop procedures for distributing state/federal ROW weed control funding to weed districts at the beginning of each fiscal year.

The department concurs and will work with the weed control district to establish a procedure for determining funding requirements before the next legislative budget is submitted.

The department generally concurs with the scope and findings of the audit. However, a true analysis of a statewide noxious weed program is not complete without involving and looking at all of the major state and federal participants i.e. State Lands, Fish, Wildlife and Parks, the Forest Service, etc. The success of a true noxious weed program

involves a chain of events that requires input and cooperation of all of the major participants.

Thank you for your staff's effort, cooperation and professionalism during the course of this audit.

A handwritten signature in black ink that reads "D. John Blacker". The signature is written in a cursive style with a large, prominent "B".

For
Marvin Dye
Director of Transportation

c: D. John Blacker, Maintenance Division Administrator